

III. REMARKS

Claims 1-20 are pending in this application. By this amendment, claims 1-2, 10-11 and 19-20 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-9 and 19-20 are rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Office Action, p. 2. In response, Applicants submit that with respect to claim 1, The Federal Circuit has held that “[w]ithout question, software code alone qualifies as an invention eligible for patenting under [35 U.S.C. § 101], at least as a processes... Thus this software code claimed in conjunction with a physical structure, such as a disk, fits... within the broad statutory label of ‘patented invention.’” *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1339, 73 USPQ2d (BNA) 1782 (Fed. Cir. 2005). The decisions underscore the fact that a claimed process or machine (i.e., a system) that transforms and/or generates data having a practical use comprises patentable subject matter under 35 U.S.C. § 101. The currently claimed invention comprises a system for runtime user interface automation. Applicants respectfully submit that no explicit or deliberate definition of the components is necessary for the system to be statutory. Applicants respectfully request withdrawal of the rejection.

Applicants have amended claims 19-20 to recite “a program product stored on a computer readable medium.” To this extent, Applicant submits that the claimed invention is stored on a medium that enables the underlying functionality to occur. As such, Applicant

submits that the claimed invention is directed to statutory subject matter. Accordingly, Applicants request that the rejection be withdrawn.

In the Office Action, claims 1-6, 8-15 and 17-20 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Halviatti et al. (U.S. Pat. No. 5,475,843), hereinafter “Halviatti.” Reconsideration in view of the following remarks is respectfully requested.

With respect to claims 1, 10 and 19, Applicants submit that Halviatti fails to disclose each and every element of the claim, including script translation means for intercepting a call from the automation script to a function simulating a user action on the application without intercepting the application at run-time. (*See* claim 1, and as similarly recited by claims 10 and 19). Interpreting Halviatti only for purposes of this response, Applicants submit that Halviatti relies on the specific interception of the running application to achieve its goals, including the need to write ATUs (Application Translation Units). In Halviatti, “the target application is registered with the Message Engine 350. In particular, hooks are installed by a corresponding ATU 340 so that events within the target application of interest are trapped.” Col. 10, lines 43-47. Halviatti teaches that each event is trapped for processing by an ATU. Col. 10, lines 55-57. This level of interception is intrusive and compromises the execution of the application at run-time. While the claimed invention protects the application’s run-time execution, Halviatti specifically relies on interference during run-time.

Furthermore, with respect to claims 2, 11 and 20, Applicants submit that Halviatti fails to disclose, *inter alia*, selective text locator means coupled to the message translation means for selectively supplying appropriately translated text to the automation script’s run time execution depending on the function call in a case that a same text string is translated differently based on context. In support of its rejection, the Office asserts that ““the retrieved message may be

translated by a call to TranslateMessage' Col. 7, lines 63-64.'" In response, Applicants submit that a general call to translate a message in a Windows environment is not equivalent to selecting an accurate text translation from a plurality of available translations. In the present invention, the selective text locator ensures that during a search the correct translation is returned based on the type of control the textual object belongs to. The general translation call in Halviatti however, fails to disclose this claimed feature. Accordingly, Applicants submit that Halviatti fails to disclose each and every element of the claimed invention and respectfully request withdrawal of the rejection.

With respect to all other dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Each dependent claim is believed to be allowable based on the above arguments, as well as for their own additional features.

In the Office Action, claims and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Halviatti, in view of Laane (U.S. Pat. No. 6,978,445). Applicants herein incorporate the arguments presented above with respect to the independent claim from which the claims depend. Claims 7 and 16 are believed to be allowable based on the above arguments, as well as for their own features.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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Reg. No.: 57,878

Date: March 28, 2007

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